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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/758,743

Applicant(s)

TURSKE ET AL.

Examiner

JOHN M. HEFFINGTON

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-9, 12-23 and 25-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9, 12-23 and 25-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to after final response of 5 January 2009. Claims 1-5, 7-9, 12-23 and 25-38 are pending and have been considered below.

Withdrawal of Finality

The finality of the office action dated 20 November 2008 is withdrawn. The examiner is withdrawing finality in order to make rejections based on subject matter claimed but not supported in the specification and non-statutory subject matter issues.

Response to Arguments

1. Applicant's arguments filed 5 January 2009 have been fully considered but they are not persuasive.

The applicant argues that Cowart, Ortega and Hasagawa, individually or in combination, do not disclose

- a. the state is assigned as a property to each grouped category,
- b. items in the grouped categories are displayed as a single icon when viewed from **each** higher level hierarchical folder or node outside of the grouped categories,
and
- c. each item in the grouped categories to be displayed as an individual icon when viewed from **each** higher level hierarchical folder or node outside of the grouped categories.

The examiner respectfully disagrees. Cowart discloses a directory structure organizing data items in a hierarchical structure. Ortega discloses items organized in a hierarchical structure wherein items are elevated as a group, i.e. copied, to higher level nodes, each item in the group identified by a flag, i.e. popularity. This is analogous to the behavior of the instant invention. Cowart provides the specific folder mechanism for displaying items in a hierarchical structure and Ortega provides the "elevation" mechanism for providing a way to view lower items from higher level nodes. The instant invention claims being able to view grouped or ungrouped items from **each** higher level node. Ortega does not disclose this behavior. However, the examiner believes that this behavior is an obvious variation of Ortega.

The applicant argues that the examiner used impermissible hindsight in combining Cowart and Ortega. The examiner was not necessarily attempting to add the limitations of Ortega to Cowart, which might require impermissible hindsight. However, the examiner was combining the limitations of Cowart with the limitations of Ortega to provide a predictable result. Therefore, the examiner denies using impermissible hindsight in combining the cited art.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 25, 28 and 34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims claim that items viewed in a packed state appear as a single icon or item when viewed from **each** higher level hierarchical node or folder. The specification of the instant application states,

"items assigned to a packed designation appear as a packed folder in a tree display under a singular icon and also appear as a packed folder under a singular when looking at any other view **containing any of the packed folder items.**" (page 11, lines 18-21)

Further, the specification states that,

"a packed overlapping group appears in a tree pane and in the content pane, opening the group would reveal **the intersection of the group and the current view.**" (page 6, lines 25-27)

Therefore, it appears that a packed folder appears **only in folders that contain items that have been made part of the packed folder** and that opening the packed folder in any of those folders reveals **the intersection of the packed folder and the current folder**.

The claims further claim that an unpacked state causes each item in the grouped category to be displayed as an individual icon when viewed from **each** higher level hierarchical folder or node outside of the grouped category. The specification states that,

"when a parent folder is selected for viewing in the tree display, unpacked items from the parent folder appear in the content pane, together with unpacked items from the unpacked subfolder (mixed together), and an iconic representation of the packed subfolder." (page 8, lines 14-17)

and,

"by clicking on the Recycle Bin icon, for example, in the content pane, the items that were originally in My Documents folder or any of its unpacked subfolders are displayed." (page 9, lines 10-12)

From the specification, it appears that unpacked folders are placed in **specific folders** and that items in the unpacked folder **appear only in upper level folders that are a parent to the "home" folder** of the unpacked folder.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 34 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim recited a data structure whose purpose appears to be a compilation or the mere arrangement of data, which fit the non-statutory of nonfunctional descriptive material (MPEP paragraph 2106.01 [R-6] Computer-Related Nonstatutory Subject Matter)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-5, 12-15, 20-23, 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Cowart (Mastering Windows 95) in view of Ortega et al. (US 6,489,968 B1).

Claim 1: Cowart discloses a computer readable storage medium including a system for data presentation, comprising:

- a. A sorting component to determine categories relating to one or more items for display, wherein the data items are structured in a hierarchical folder structure (page 178, items are sorted according to categories identified by file extensions), and
- b. A cluster component that groups the categories according to discretized states in order to control visible output to the display (page 499, items can be clustered in a folder), wherein
- c. The states include at least a packed state that causes items in a grouped category to be displayed as a single icon when viewed from outside of the grouped categories (pages 197-198, pages 508 and 529, Short-cuts of items

from any folder can be placed in a folder. When these items are viewed from outside the group, the group appears as a folder.), and

- d. An unpacked state that causes each item in a grouped category to be displayed as an individual icon when viewed from outside of the grouped categories (pages 197-198, pages 508 and 529, Short-cuts of items from any folder can be placed in a folder. When these items are viewed from outside the group, the group appears as a folder. When the folder is opened, the items are viewed individually),

but does not disclose

- d. the state is assigned as a property to each grouped category,
- e. items in the grouped categories are displayed as a single icon when viewed from each higher level hierarchical folder outside of the grouped categories, and
- f. each item in the grouped categories to be displayed as an individual icon when viewed from each higher level hierarchical folder outside of the grouped categories.

However, Ortega discloses lower level item nodes and category nodes in a hierarchy are elevated for display at higher levels of the hierarchy which are in the hierarchical path of the lower level nodes. These items and categories are assigned a state, such as popularity, to determine which ones get elevated (column 4, lines 16-40, column 6, lines 5-20, column 7, lines 32-50, figures 1a and 1b). However, Ortega does not

disclose displaying lower level nodes at each higher level node above the lower level node. Therefore, it would have been obvious to having ordinary skill in the art at the time of the invention to add

- a. the state is assigned as a property to each grouped category,
- b. items in the grouped categories are displayed as a single icon when viewed from each higher level hierarchical folder outside of the grouped categories, and
- c. each item in the grouped categories to be displayed as an individual icon when viewed from each higher level hierarchical folder outside of the grouped categories

to Cowart. One could have been motivated to add

- a. the state is assigned as a property to each grouped category,
- b. items in the grouped categories are displayed as a single icon when viewed from each higher level hierarchical folder outside of the grouped categories, and
- c. each item in the grouped categories to be displayed as an individual icon when viewed from each higher level hierarchical folder outside of the grouped categories

to Cowart in order to call to attention of the users the nodes (items and/or categories) of a hierarchical structure that are most popular or important. (Ortega: column 1, lines 5-10).

Claim 2: Cowart and Ortega disclose a system as in claim 1 above and Cowart further discloses the user interface that is used to view and manipulate files and folders which includes access to hard drives and floppy drives (page 498, figure 12.2).

Claim 3: Cowart and Ortega disclose a system as in claim 1 above and Cowart further discloses files and folders can be viewed and manipulated by a user interface (page 498, figure 12.2).

Claim 4: Cowart and Ortega disclose system as in claim 2 above and Cowart further discloses a tree view or a contents display representing items from the tree display (page 498, figure 12.2).

Claim 5: Cowart and Ortega disclose the system as in claim 2, and Cowart further discloses the cluster component controls content merging of subordinate and sibling nodes at the user interface (page 498, figure 12.2).

Claim 12: Cowart and Ortega disclose a system as in claim 1 above and Cowart further discloses setting the rules to determine how items are to be displayed (page 235, Sorting and Tidying Up The Listing).

Claim 13: Cowart and Ortega disclose a system as in claim 1 above and Cowart further discloses setting the state of a file (page 525, figure 12.9).

Claim 14: Cowart and Ortega disclose a system as in 13 above and Cowart further discloses setting the state of a group (subset) of items (page 525, figure 12.9)

Claim 15: Cowart and Ortega disclose a system as in claim 13 and Cowart further discloses setting a flag indicating the state of an item (page 525, figure 12.9) but does not disclose setting a flag for the states of packed and unpacked. It would have been obvious to one having ordinary skill in the art at the time of the invention for Cowart to set a flag indicating the states of packed and unpacked. One would have been motivated to set a flag indicating the states of packed and unpacked to be able to determine when an item is in the packed state or the unpacked state.

Claim 20: Cowart and Ortega disclose a system as in claim 1 above and Cowart further discloses showing the static contents of a directory (page 498, Figure 12.2) or for showing a dynamic query of files and folders (page 36 and 37, The Find Button).

Claim 21: Cowart and Ortega disclose a system as in claim 20 above and Cowart further discloses showing the results of a Find query in a similar fashion as the contents of a directory or the directory itself, thereby associating an unpacked group and a packed group with a dynamic query (page 36 and 37, The Find Button).

Claim 22: Cowart and Ortega disclose a system as in claim 1 above and Cowart further discloses setting the state of an item (page 525, figure 12.9) but does not disclose that the item is set to a default state. It would have been obvious to one having ordinary skill in the art at the time of the invention for Cowart to set the initial state of an item to a default state. One would have been motivated to set the initial state to a default state in order that the item had a known initial state.

Claim 23: Cowart and Ortega disclose a system as in claim 22 above and Cowart further discloses setting the state of an item (page 525, figure 12.9) but does not disclose the rules for setting the default state of an item. It would have been obvious to one having ordinary skill in the art at the time of the invention for Cowart to define rules for setting the default state. One would have been motivated to define rules for setting the default state of an item in order to set the default state of an item to a known state.

Claim 25: Cowart discloses a computer readable storage medium including a system for determining a state for a group (subset) of items, wherein the data items are organized in a hierarchical directory tree structure, and for setting the state of a group (subset) of items (page 525, figure 12.9) and for displaying each item according to assigned state (page 498, Figure 12.2), wherein the states include at least a packed state that caused items in the grouped categories to be displayed as a single icon when viewed from outside of the grouped categories (pages 197-198, pages 508 and 529, Short-cuts of items from any folder can be placed in a folder. When these items are viewed from

outside the group, the group appears as a folder.), and an unpacked state that causes each item in the grouped categories to be displayed as an individual icon when viewed from outside of the grouped categories (pages 197-198, pages 508 and 529, Short-cuts of items from any folder can be placed in a folder. When these items are viewed from outside the group, the group appears as a folder. When the folder is opened, the items are viewed individually)

but does not disclose

- a. the state is assigned as a property to each grouped subset,
- b. each item in the subset is displayed as a single icon when viewed from each higher level hierarchical directory location outside of the subset, and
- c. each item in the subset is displayed as an individual icon when viewed from each higher level directory location outside of the grouped categories.

However, Ortega discloses lower level item nodes and category nodes in a hierarchy are elevated for display at higher levels of the hierarchy which are in the hierarchical path of the lower level nodes. These items and categories are assigned a state, such as popularity, to determine which ones get elevated (column 4, lines 16-40, column 6, lines 5-20, column 7, lines 32-50, figures 1a and 1b). However, Ortega does not disclose displaying lower level nodes at each higher level node above the lower level node. Therefore, it would have been obvious to having ordinary skill in the art at the time of the invention to add

- a. the state is assigned as a property to each grouped subset,
- b. each item in the subset is displayed as a single icon when viewed from each higher level hierarchical directory location outside of the subset, and
- c. each item in the subset is displayed as an individual icon when viewed from each higher level directory location outside of the grouped categories

to Cowart. One could have been motivated to add

- a. the state is assigned as a property to each grouped subset,
- b. each item in the subset is displayed as a single icon when viewed from each higher level hierarchical directory location outside of the subset, and
- c. each item in the subset is displayed as an individual icon when viewed from each higher level directory location outside of the grouped categories

to Cowart in order to call to attention of the users the nodes (items and/or categories) of a hierarchical structure that are most popular or important. (Ortega: column 1, lines 5-10).

Claim 26: Cowart and Ortega disclose a system as in claim 25 above and Cowart further discloses displaying items (page 498, figure 12.2) but does not specifically disclose displaying a packed group, an unpacked group, and an overlapping group. It would have been obvious to one having ordinary skill in the art at the time of the invention for Cowart to display packed groups, unpacked groups and overlapping

groups. One would have been motivated to display a packed group, an unpacked group, and an overlapping group so they could be viewed by the user.

Claim 27: Cowart discloses a system as in claim 26 above, and further discloses clicking a mouse to control a display (page 104, Note).

7. Claims 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa (US 6,513,038) in view of Ortega et al. (US 6,489,968 B1).

Claim 28: Hasegawa discloses a system and method for creating a directory (grouping items) called a view directory from a content directory, wherein the content is organized in a hierarchical structure, according to class, entry and attribute which is hidden from external view (column 9, lines 66-67 and column 10, lines 1-3) but does not disclose creating a view directory in a packed state or an unpacked state or displaying them in separate views. However, It would have been obvious to one having ordinary skill in the art at the time of the invention to use the state attribute, i.e. packed or unpacked, to define directory nodes and members when creating a view directory from a content directory and to display them in separate views. One would have been motivated to define directory nodes and members in a packed or unpacked state and to display them in separate views in order to provide the user with additional information about these nodes and to maintain each original view for later viewing.

Hasegawa does not disclose

- a. items in the group are displayed as a single item when viewed from each higher level hierarchical structural location outside of the grouped categories, and
- b. each item in the group is displayed as an individual when viewed from each higher level hierarchical structural location outside of the grouped categories.

However, Ortega discloses lower level item nodes and category nodes in a hierarchy are elevated for display at higher levels of the hierarchy which are in the hierarchical path of the lower level nodes. These items and categories are assigned a state, such as popularity, to determine which ones get elevated (column 4, lines 16-40, column 6, lines 5-20, column 7, lines 32-50, figures 1a and 1b). However, Ortega does not disclose displaying lower level nodes at each higher level node above the lower level node. Therefore, it would have been obvious to having ordinary skill in the art at the time of the invention to add

- a. items in the group are displayed as a single item when viewed from each higher level hierarchical structural location outside of the grouped categories, and
- b. each item in the group is displayed as an individual when viewed from each higher level hierarchical structural location outside of the grouped categories

to Hasegawa. One could have been motivated to add

- a. items in the group are displayed as a single item when viewed from each higher level hierarchical structural location outside of the grouped categories, and

- b. each item in the group is displayed as an individual when viewed from each higher level hierarchical structural location outside of the grouped categories

to Hasegawa in order to call to attention of the users the nodes (items and/or categories) of a hierarchical structure that are most popular or important. (Ortega: column 1, lines 5-10).

Claim 29: Hasegawa and Ortega disclose a method as in 28 above and Hasegawa further discloses creating a directory called a view directory from a content directory according to class, entry and attribute (column 9, lines 66-67 and column 10, lines 1-3).

Claim 30: Hasegawa and Ortega disclose a system as in claim 9 above and a method for accessing a data management directory (Hasegawa, Abstract, lines 1, 2) and for creating a view directory from a content directory based on class, entry and attribute (Hasegawa, column 9, lines 66-67 and column 10, lines 1-3) but does not disclose persisting states to data storage. It would have been obvious to one having ordinary skill in the art at the time of the invention to persist the classes, entries and attributes to data storage. One would have been motivated to persist the classes, entries and attributes to data storage in order to avoid inputting this data in each time a view directory is to be created.

Claim 31: Hasegawa and Ortega disclose a method as in claim 29 above and Hasegawa further discloses creating a new directory containing the intersection, or overlap, of a plurality of directors (column 10, lines 19-21, column 20, lines 34-67, column 21, lines 1-7).

8. Claims 7, 8, 16-19, 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cowart (Mastering Windows 95) in view of Ortega et al. (US 6,489,968 B1) and further in view of Hasegawa (US 6,513,038).

Claim 7: Cowart and Ortega disclose a system as in claim 1 above and method for accessing a data management directory (Hasegawa, Abstract, lines 1, 2) and for creating a view directory from a content directory based on class, entry and attribute (Hasegawa, column 9, lines 66-67 and column 10, lines 1-3) but do not disclose persisting states to data storage. It would have been obvious to one having ordinary skill in the art at the time of the invention to persist the classes, entries and attributes to data storage. One would have been motivated to persist the classes, entries and attributes to data storage in order to avoid inputting this data in each time a view directory is to be created.

Claim 8: Cowart, Ortega and Hasegawa disclose a system as in claim 7 above and Hasegawa discloses creating a directory called a view directory from a content directory according to class, entry and attribute (column 9, lines 66-67 and column 10, lines 1-3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Cowart to associate attributes representing state with properties of a group. One would have been motivated to associate attributes representing state with properties of a group in order for all members of a group to be identified with the same state.

Claim 16, 18: Cowart and Ortega disclose a computerized interface for data presentation comprising a sorting component and a cluster component as in claim 1 above but does not disclose an overlapping group that includes content from various groups. However, Hasegawa discloses a similar system which further discloses creating a new directory containing the intersection, or overlap, of a plurality of directories (column 10, lines 19-21, column 20, lines 34-67, column 21, lines 1-7). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Cowart to include overlapping groups that contain content from various groups. One would have been motivated to include overlapping groups in order to filter out items that are common to two groups.

Claim 17: Cowart, Ortega and Hasegawa disclose a system as in claim 16 above including creating a new directory containing the intersecting or overlapping contents of a plurality of directories (Hasegawa, column 10, lines 19-21, column 20, lines 34-67, column 21, lines 1-7) but do not disclose including a recycle group and an archive group as an overlapping group. However, It would have been obvious to one having ordinary

skill in the art at the time of the invention for Cowart to apply any desirable name to an overlapping group. One would have been motivated to apply a name to an overlapping group in order to distinguish it from other overlapping groups.

Claim 19: Cowart and Hasegawa disclose a system as in claim 18 above and Hasegawa further discloses creating a new directory containing the union of two other directors (column 10, lines 10-14, columns 17, 18 and 19). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Cowart to provide the union of two groups. One would have been motivated to provide the union of two groups so that two groups could be viewed as one group.

Claims 34-37: Cowart discloses a computer readable storage medium having a data structure stored thereon, comprising:

- a. A packed state that caused items in the grouped categories to be displayed as a single icon when viewed from outside of the grouped categories (pages 197-198, pages 508 and 529, Short-cuts of items from any folder can be placed in a folder. When these items are viewed from outside the group, the group appears as a folder.), and
- b. An unpacked state that causes each item in the grouped categories to be displayed as an individual icon when viewed from outside of the grouped categories (pages 197-198, pages 508 and 529, Short-cuts of items from any folder can be placed in a folder. When these items are viewed from outside the

group, the group appears as a folder. When the folder is opened, the items are viewed individually),

but does not disclose

- a. A first data field relating to at least one group property associated with a subset of data items for display
- b. A second data field for the data items, and
- c. A third data field to control how the data items are to be directed to a computerized display
- d. items in the subset are displayed as a single icon when viewed from each higher level folder outside of the subset, and
- e. each item in the subset is displayed as an individual when viewed from each higher level folder outside of the grouped categories.

However, Hasegawa discloses a data structure including a data field for a group property, a data field for holding data, and a data field for controlling how the data items are to be directed to a display (figures 12A and 12B). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add a data structure including a data field for a group property, a data field for holding data, and a data field for controlling how the data items are to be directed to a display because Cowart defines and applies properties to both folders (packed state) and files (unpacked state).

Ortega discloses lower level item nodes and category nodes in a hierarchy are elevated for display at higher levels of the hierarchy which are in the hierarchical path of the lower level nodes. These items and categories are assigned a state, such as popularity, to determine which ones get elevated (column 4, lines 16-40, column 6, lines 5-20, column 7, lines 32-50, figures 1a and 1b). However, Ortega does not disclose displaying lower level nodes at each higher level node above the lower level node. Therefore, it would have been obvious to having ordinary skill in the art at the time of the invention to add

- a. items in the subset are displayed as a single icon when viewed from each higher level folder outside of the subset, and
- b. each item in the subset is displayed as an individual when viewed from each higher level folder outside of the grouped categories

to Cowart and Hasegawa. One could have been motivated to add

- a. items in the subset are displayed as a single icon when viewed from each higher level folder outside of the subset, and
- b. each item in the subset is displayed as an individual when viewed from each higher level folder outside of the grouped categories

to Cowart and Hasegawa in order to call to attention of the users the nodes (items and/or categories) of a hierarchical structure that are most popular or important.

(Ortega: column 1, lines 5-10).

Claim 38: Cowart and Hasegawa disclose a data structure as in 37 above but does not disclose associating the state with a packed state, and unpacked state, an overlapping state, or a dynamic state. However, it would have been obvious to one having ordinary skill in the art at the time of the invention for Hasegawa to associate the state with all known or possible states, such as packed, unpacked, overlapping, and dynamic states. One would have been motivated to associate the state with a packed state, and unpacked state, an overlapping state, and a dynamic state in order to be able to distinguish one state from another.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cowart (Mastering Windows 95) in view of Hasegawa (US 6,513,038) and Ortega et al. (US 6,489,968 B1) and further in view of Newman (US 2004/0139231 A1).

Claim 9: Cowart, Hasegawa and Ortega disclose a system as in claim 8 above for creating a directory called a view directory from a content directory according to class, entry and attribute (column 9, lines 66-67 and column 10, lines 1-3) but does not disclose associating property data with meta data. Newman discloses a similar system in which meta data is associated with property data (paragraph 0068, lines 1-3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Cowart to associate property data with meta data. One would have

been motivated to associate property data with meta data in order to be able to view in human readable format what properties are applied to an item.

10. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa(US 6,513,038) in view of Ortega et al. (US 6,489,968 B1) and further in view of Cowart (Mastering Windows 95).

Claim 32: Hasegawa, Ortega and Cowart disclose a method for creating a directory called a view directory from a content directory (Hasegawa, column 9, lines 66-67, column 10, lines 1-3) and displaying an icon for files and folders (Cowart, page 498, figure 12.2) as in claim 31 above but does not disclose displaying an icon for a packed, an unpacked group or an overlapping group. It would have been obvious to one having ordinary skill in the art at the time of the invention for Cowart to display an icon for a packed, an unpacked group or an overlapping group. One would have been motivated to display an icon for a packed, an unpacked group or an overlapping group in order to distinguish each group from other groups.

Claim 33: Hasegawa, Ortega and Cowart disclose a method as in claim 32 above and Hasegawa further discloses creating a directory called a view directory from a content directory according to class, entry and attribute (column 9, lines 66-67 and column 10, lines 1-3). The contents of the view directory could be viewed by opening the directory.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Heffington whose telephone number is (571) 270-1696. The examiner can normally be reached on Mon - Fri 8:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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JMH
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/Ba Huynh/

Primary Examiner, Art Unit 2179